

**UNITED STATES DISTRICT COURT  
IN THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

<b>JOHN JEFFERY RICHARD,</b>	§	
<b>Petitioner</b>	§	
	§	
<b>v.</b>	§	<b>C.A. No. C-04-609</b>
	§	
<b>DOUGLAS DRETKE,</b>	§	
<b>Respondent</b>	§	

**MEMORANDUM OPINION AND ORDER DENYING  
PETITIONER’S MOTION FOR RECONSIDERATION**

On September 14, 2006, the United States Magistrate Judge filed a Memorandum and Recommendation in this case (D.E. 45). Petitioner timely filed his objections (D.E. 46). Having reviewed *de novo* the Magistrate Judge’s Memorandum and Recommendation, the pleadings on file and Petitioner’s objections, the Court adopts the findings and conclusions of the Magistrate Judge.


Reiterating the legal standard properly discussed by the Magistrate Judge, a motion for reconsideration filed within ten days of judgment is treated as a motion to alter or amend judgment under FED. R. CIV. P. 59(e). *Ford v. Elsbury*, 32 F.3d 931, 937 (5th Cir. 1994). A Rule 59(e) motion is used to correct manifest errors of law or fact or to present newly discovered evidence. *Templet v. HydroChem Inc.*, 367 F.3d 473, 479 (5th Cir. 2004) (citing *Waltman v. Int’l Paper Co.*, 875 F.2d 468, 473 (5th Cir. 1989)).

In this case, Petitioner filed a Motion for Reconsideration (D.E. 44) nine days after

entry of judgment. Therefore, the motion will be treated as a motion to amend judgment pursuant to FED. R. CIV. P. 59(e). Petitioner's objections merely repeat the arguments presented in his Motion. Specifically, he concludes the Court's order allowing Respondent to keep the appellate filing fees collected thus far constitutes theft and/or conversion of his property. Petitioner claims Respondent is keeping the funds for no reason and argues the money should be turned over to the District Clerk's Office.

Petitioner presents no legal authority to support his argument and thereby fails to establish that the Court made a manifest error of law. Furthermore, he has presented no newly discovered evidence. Therefore, the Court finds that Petitioner's objections are without merit, and Petitioner's Motion for Reconsideration is DENIED.

ORDERED December 5, 2006.

  
HAYDEN HEAD  
CHIEF JUDGE

